

**TOWN OF SULLIVAN'S ISLAND  
SOUTH CAROLINA  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Wednesday, March 11, 2009**

A regular meeting of the Town of Sullivan's Island Planning Commission was held at 6:30 p.m., Wednesday, March 11, 2009 in Town Council Chambers, 1610 Middle Street all requirements of the Freedom of Information Act having been satisfied. Present were Commission members Chairman Hal Currey, Aussie Geer, Nicky Bluestein, Anne Osborne Kilpatrick and Elaine Fowler (arrived 6:35pm); Acting Zoning Administrator/Chief Building Official Randy Robinson and Assistant to Administrator Lisa Darrow.

**I. Call to Order.** Chairman Currey called the meeting to order and stated the press and public were duly notified pursuant to state law. He noted all Commission members were present except John Winchester and Bobby Thompson (both absences excused).

**II. Approval of Agenda.**

Chairman Currey noted Town Administrator Benke was present to provide some information regarding items later in the agenda. Chairman Currey asked to move these items for consideration right after approval of the agenda.

**MOTION: Ms. Geer made a motion to approve the agenda with the following change: move Unfinished Business Items VII A-C for consideration after this motion; seconded by Mr. Bluestein; MOTION UNANIMOUSLY PASSED.**

**VII. Unfinished Business**

**A. Accreted Land Management Plan Consultant Services – Status Update**

Administrator Benke advised that on Monday, March 23, 2009 the Accreted Land Management Consultant Selection Committee will meet with the consultant, Coastal Science & Engineering, to review the second draft of the report. The purpose of that meeting will be to review the draft as it complies with the scope and contract of the RFP and for format. No findings, conclusions or recommendations will be discussed. The next step will be to schedule a public meeting on this matter.

**B. Master Community Commercial (CC) District Plan Consultant Services – Status Update**

Administrator Benke reported that the Selection Committee has reviewed the draft to ensure contract and RFP requirements have been met and to edit the organization and presentation of the work product. The transportation study has been re-worked to be more reader friendly. The Town will schedule a meeting with SCDOT to discuss issues such as reverse angle parking and crosswalks. Thereafter the Town will hold a public hearing on this matter. Administrator Benke noted that, if implemented, Sullivan's Island would be the first municipality to have reverse angle parking.

**C. 2008 Sullivan's Island Comprehensive Plan – Status update**

Administrator Benke noted that Council reviewed and made changes to some of the Needs & Goals of the draft Comprehensive Plan as provided by the Planning Commission. Asst. to Administrator Darrow made the required changes to the documents and forwarded them

to Council for additional edits. This item is scheduled to be on the March 17, 2009 Council agenda. If Council has no further changes to the draft document, the public hearing will be scheduled with required 30 days notice.

## **VI. New Business**

### **OCRM/DHEC Beachfront Baseline and 40-Year Setback Line Study**

Administrator Benke reported that the Office of Ocean and Coastal Resource management (OCRM), as mandated to do every 8-10 years, has studied the beachfront baseline and 40-year setback line for Sullivan's Island, Isle of Palms, Dewees Island and Kiawah Island in Charleston County and has proposed revisions to those lines. DHEC-OCRM has scheduled a public hearing for 6:00 p.m. on Monday, March 16, 2009 at their offices (1362 McMillan Avenue, Suite 400, North Charleston).

Administrator Benke noted that his review of the maps (available for public viewing at DHEC-OCRM's offices) shows the following impact of the baseline and 40-year setback proposed changes:

- Landward shift of both lines between Fort Moultrie and Station 18 Street;
- Slight landward shift of both lines between Station 18 Street and Station 26 Street;
- Between Station 26 and 26 ½ Streets along Bayonne Street there is a significant shift of both lines landward;
- From Station 26 ½ to Breach Inlet, there are no changes to the location of either line.

*Ms. Fowler arrived at this time.*

## **III. Approval of Minutes.**

**MOTION: Ms. Kilpatrick made a motion to approve the February 11, 2009 regular meeting minutes as presented; seconded by Ms. Geer; MOTION UNANIMOUSLY APPROVED.**

## **IV. Correspondence & General Public Comments - None**

## **V. Public Hearing:**

**Add Section 21-109F(8)(a,b) and Section 21-97(E) and Amend Section 21-137(C) of the Zoning Code to allow Town Staff to approve certain minor projects, alterations and minor design changes to previously issued Certificates of Appropriateness for the Design Review Board.**

*Chairman Currey opened the public hearing for this item.*

Chairman Currey acknowledged the presence of Design Review Board member Duke Wright, 3034 Marshall Boulevard, Sullivan's Island. Chairman Currey noted Mr. Wright is the only member of the public present. As such, the Commission asked Mr. Wright to comment or pose questions throughout the deliberation of the ordinance changes.

Chairman Currey noted that he, Design Review Board members Duke Wright and Steve Herlong, and Staff had reviewed and revised the draft ordinance language. However, upon

closer examination, Chairman Currey noted that the proposed changes, in his opinion, appeared confusing. Chairman Currey, therefore, changed the format of the information discussed by the working group to be more reader friendly. He presented this document as **Exhibit A**.

**Staff Comments:**

Acting Zoning Administrator Robinson noted that applicants hoping for Staff level approval would be required to complete a full DRB application and pay all fees as if he/she were sending the application to the Design Review Board. The applicant's change would be placed on the agenda and properly advertised, per current procedures. Acting Zoning Administrator Robinson noted that, if he were able to approve the change or item per this new ordinance language, the Design Review Board would not deliberate the matter at its next meeting.

Thereafter, the Committee reviewed and discussed the proposed language, making amendments to the text. These revisions are included in **Exhibit A** attached hereto.

Some of the issues discussed by the Commission:

- Ms. Kilpatrick questioned the term “minor,” noting that this term was not measurable as it relates to types of minor changes and projects Staff can approve. The Committee discussed the need for Staff judgment and good faith to determine what would or would not be considered “minor.” Ms. Kilpatrick suggested Staff document examples of approved projects to create an historical reference for the future.
- Ms. Fowler questioned Sec 21-109(F)(8)(a)(1) and the ability for Staff to approve minor improvements or accessory structures not visible from the backyard. She submitted that one's backyard could be another person's side or front yard and that shrubbery was an insufficient barrier to accessory structures. She suggested and Commission generally agreed to strike reference to this section. The clause allows only for changes or accessory structures that, “do not negatively affect the appearance of the principal dwelling.”
- Ms. Fowler questioned language regarding public notice. She submitted that DRB should be notified of Staff level changes. The Commission added language such that Staff would report any Staff approved changes at the next regularly scheduled DRB meeting.
- Ms. Fowler questioned the appeal of third parties to Staff level changes. She submitted that either an appeal by a third party to a Staff change have clearly defined consequences or the appeal option be removed. After some discussion, the Commission agreed that any third party appeal of a Staff change, made within the 10 business day appeal period, would automatically go before the Design Review Board at its next regularly scheduled meeting. Language was added to warn owners that any changes made to the property per Staff approval, before the expiration of the appeal period, would be done at the owner's risk that the Design Review Board might reverse the Staff decision.

***Chairman Currey closed the public hearing.***

The Commission reviewed the sample Notice of Staff Approval Form (**Exhibit B**) making minor improvements to verbiage.

After further consideration the following motion was made:

**MOTION: Ms. Geer made a motion to recommend to Council approval of amendments and additions to the following Zoning Ordinance sections as set forth in Exhibit A attached hereto: Add Section 21-109(F)(8)(a,b), (9)(a,b) and 10(a,b,c); Add Section 21-97(E) and Amend Section 21-137(C); seconded by Ms. Fowler; MOTION UNANIMOUSLY PASSED.**

Mr. Wright asked that the revised language be sent to Design Review Board members for their information prior to next week's regular meeting.

Chairman Currey noted that the Commission already discussed New Business and Unfinished Business Items A-C. Thereafter, Chairman Currey asked Ms. Kilpatrick to report on the Noise Study Committee.

## **VI. Unfinished Business**

### **D. Noise Study Committee**

Ms. Kilpatrick noted that the Noise Study Committee met at 8:30 a.m. on Wednesday, February 11, 2009, Wednesday, February 18, 2009 and Thursday, February 26, 2009. She served as the Planning Commission member on this ad hoc Committee with Mayor Smith, Council members O'Neil and Presson, and members of the public and business community. The Committee was charged with studying noise in the CC district only. Recommendations included: increased police presence in the CC district and enforcement of current rules; consideration for buffers near Jasper Boulevard; and providing specific information regarding decibel levels to business owners.

Ms. Kilpatrick noted that no parking arrangements were considered (outside scope of committee) and no changes in business hours were recommended at this time. The committee did discuss different licensures for businesses, noting downtown Charleston has a cabaret license for bars and nightclubs that is different than other food restaurants. She noted that the ad hoc committee will forward its findings to Council.

There being no further business, the meeting was adjourned at approximately 8:05 p.m. (Ms. Kilpatrick motioned; Ms. Fowler seconded).

Respectfully submitted,  
Lisa Darrow  
Asst. to Administrator

Approved at the Tuesday, April 7, 2009 Regular Planning Commission Meeting

**March 11, 2009 Planning Commission Meeting  
EXHIBIT A**

**Staff Approval of Minor DRB Matters**

**Section 21-109(F)(8)(a,b), (9)(a,b) and 10(a,b,c) DRB Applications – Procedures (new section)**

**Section 21-97(E) – Certificate of Appropriateness – Procedures (new section)**

**Section 21-137(C) – Accessory Use/Structures Permitted/Restricted – Approvals required (modify existing section)**

**Section 21-109(F)(8)(a,b), (9)(a,b) and 10(a,b,c) – Procedures**

**New section (currently have F 1-7)**

**PROPOSED ADDITION:**

(8) Staff level review and approval of minor improvements and accessory structures.

(a) Notwithstanding provisions to the contrary in this chapter, the following items may be reviewed and approved at the Staff level in accordance with the procedures prescribed herein.

1. Approval of minor improvement or Accessory Structures as listed in Section 21-137A of the Town ordinances that do not negatively affect the appearance of the principal dwelling.

(b) Procedure

1. All Design Review Board application forms and appropriate fees shall be submitted to the Zoning Administrator or his/her designee who will determine if the forms are complete. If complete, the following action(s) may take place:
  - a. All properties: Zoning Administrator or his/her designee may review the requested improvements or added Accessory Structures. After review, the request may be approved or deferred to the next regularly scheduled Design Review Board (DRB) meeting. All approved projects will be reported in writing by the zoning Administrator or his/her designee to the Design Review Board at its next regularly scheduled meeting.

(9) Staff level review and approval of minor refinements to designs that have already received a Certificate of Appropriateness.

(a) Notwithstanding provisions to the contrary in this chapter, the following items may be reviewed and approved at the Staff level in accordance with the procedures prescribed herein.

1. Minor refinements to design elements, such as but not limited to: roofs, fascia treatments, doors, columns, windows, siding, trim details or lattice that have already received a Certificate of Appropriateness.

(b) Procedure

1. All Design Review Board application forms and appropriate fees shall be submitted to the Zoning Administrator or his/her designee who initially determines whether the forms are complete. If complete, the following action(s) may take place:

a. All properties: Zoning Administrator or his/her designee may review minor refinements. After review, the request may be approved or deferred to the next regularly scheduled DRB meeting. All approved minor refinements will be reported in writing by the Zoning Administrator or his/her designee to the Design Review Board at its next regularly scheduled meeting.

(10) Notice and Appeal.

a. A Notice of Alterations to an approved Certificate of Appropriateness must be posted on the property by the Town. This Notice will be posted in a conspicuous location on the property immediately upon receiving approval for the proposed work, and must remain visible the duration of the appeals period. The notice does not replace a building permit.

b. Appeals of the Staff review must be made in writing to the Zoning Administrator or his/her designee within ten (10) business days from the date of approval or posting, whichever is later. Application information and materials will be made available at Sullivan’s Island Town Hall. Any appeals will be considered at the next regularly scheduled Design Review Board meeting.

c. If an owner elects to proceed upon receipt of Staff approval prior to the expiration of the appeal period, the owner will do so at the risk of having the Staff decision reversed by the Design Review Board.

**Section 21-97(E) – Certificate of Appropriateness, “Staff Approval of Minor Refinements”**

**New section (currently have A-D)**

**PROPOSED ADDITION:**

**(E) Staff Approval of Minor Refinements**

Notwithstanding provisions to the contrary in this chapter, the Zoning Administrator or his/her designee may modify Certificates of Appropriateness previously approved by the Design Review Board for minor refinements, as allowed in Section 21-109(F)(9).

**Section 21-137(C) – Accessory Uses/Structures Permitted/Restricted – Approvals required**

*(Additional language in italics below)*

A Certificate of Zoning Compliance issued by the Zoning Administrator or his/her designee shall be required for all Accessory Uses and Structures. The Design Review Board shall also approve all Accessory Structures for which modifications are sought. The Board of Zoning Appeals shall approve all Accessory Structures and Uses that are permitted by Special Exception. The Town Council shall approve all Temporary Accessory Uses and Structures.

***Notwithstanding provisions to the contrary in this chapter, the Zoning Administrator or his/her designee may approve Accessory Structures, as provided in Section 21-109(F)(8).***